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SHRINERS HOSPITALS FOR CHILDREN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIYA MAKSIMOV, BETSY
BROWN, CLAUDIA LING,
VENIAMIN MAKSIMOV,
RACHAEL PIERSON, FABIAN
STRIZU, CHAKEYA THOMAS,

Plaintiffs,

Case No. 2:22-cv-00611-JAM-CKD
[Assigned to the Hon. John A. Mendez,
Courtroom 6]

**STIPULATION FOR FURTHER
CONTINUANCE OF DISCOVERY
AND DISPOSITIVE MOTION
PRE-**

1 vs.

2 SHRINERS HOSPITALS FOR
3 CHILDREN, and DOES 1-50,
4 inclusive,

5 Defendants.

**TRIAL DATE AND TRIAL
RELATED DATES AND
DEADLINES; ORDER**

Complaint filed: March 1, 2022
Date of Removal: April 7, 2022
Trial Date: October 28, 2024

6 Plaintiffs Mariya Maksimov, Betsy Brown, Claudia Ling, Veniamin
7 Maksimov, Rachael Pierson, Fabian Strizu, and Chakeya Thomas (“Plaintiffs”) and
8 Defendant Shriners Hospitals for Children (“Shriners”) (together “Parties”), through
9 their undersigned counsel, hereby submit the following Joint Stipulation and
10 Proposed Order for Further Continuance of Discovery and Dispositive Motion Pre-
11 Trial Dates and Trial Date and Trial Related Deadlines.

12 **STIPULATION**

13 **WHEREAS**, on March 1, 2022, Plaintiffs filed this action in Sacramento
14 County Superior Court;

15 **WHEREAS**, on April 7, 2022, Shriners removed the case from Sacramento
16 County Superior Court to the United States District Court Eastern District of
17 California;

18 **WHEREAS**, on June 7, 2022, this Court issued a Pretrial Scheduling Order
19 referring the Parties to complete all discovery by November 20, 2023, signed by
20 Judge John A. Mendez, Docket No. 9;

21 **WHEREAS**, on June 7, 2022, the Pretrial Scheduling Order ordered that all
22 dispositive motions shall be filed by December 29, 2023 and hearing on any such
23 motion would be on February 27, 2024 at 1:30 pm;

24 **WHEREAS**, on June 7, 2022, the Pretrial Scheduling Order set a Final Pretrial
25 Conference on April 13, 2024 at 10:00 am and a Jury Trial to begin on June 3, 2024;

26 **WHEREAS**, on June 7, 2022, the Pretrial Scheduling Order set supplemental
27 disclosure and disclosure of any rebuttal experts for October 19, 2023;

1 **WHEREAS**, Shriners has taken and completed all seven Plaintiffs'
2 depositions, propounded written discovery and received written responses from all
3 seven Plaintiffs and propounded third party subpoenas on Plaintiffs' subsequent and
4 prospective employers;

5 **WHEREAS**, on October 20, 2023, once Shriners learned that Plaintiffs did
6 not intend to supplement their expert disclosures, Shriners noticed the depositions of
7 Plaintiffs' two retained experts for November 15, 2023 (Jeffrey Barke, M.D.) and
8 November 16, 2023 (Janci C. Lindsay, PhD);

9 **WHEREAS**, on Friday, October 20, 2023 at 11:24 pm, Plaintiffs served
10 Shriners with seven notices of taking deposition which were unilaterally noticed,
11 which included the deposition of the Person Most Knowledgeable for Shriners, the
12 deposition of Shriners' non-retained expert witness, two Human Resources
13 representatives from Shriners' Northern California location where Plaintiffs worked,
14 and three witnesses in Florida;

15 **WHEREAS**, on Friday, October 20, 2023 at 11:46 pm, Plaintiffs served
16 Shriners with 1) Plaintiffs' special interrogatories to Shriners, set one, 2) Plaintiffs'
17 request for production of documents to Shriners, set one, 3) plaintiff Betsy Brown's
18 request for production of documents to Shriners, set one, 4) plaintiff Claudia Ling's
19 request for production of documents to Shriners, set one, 5) plaintiff Mariya
20 Maksimov's request for production of documents to Shriners, set one, 6) plaintiff
21 Veniamin Maksimov's request for production of documents to Shriners, set one, 7)
22 plaintiff Rachael Pierson's request for production of documents to Shriners, set one,
23 8) plaintiff Fabian Strizu's request for production of documents to Shriners, set one,
24 and 9) plaintiff Betsy Brown's request for production of documents to Shriners, set
25 one;

26 **WHEREAS**, after verbally discussing the case on November 14, 2023, the
27 Parties agreed to take Plaintiffs' expert witnesses' depositions off calendar;
28

1 **WHEREAS**, on November 17, 2023, the Parties filed a stipulation to continue
2 the discovery and dispositive motion pre-trial date and trial related dates and
3 deadlines by 120 days to enable the Parties to complete outstanding discovery as
4 Shriners had been served on Friday, October 20, 2023 at 11:46 pm with extensive
5 written discovery and seven unilaterally-noticed depositions to be rescheduled to
6 mutually agreeable dates and Shriners was unable to respond to the discovery and
7 simultaneously complete all depositions by the deadline of November 20, 2023 due
8 to scheduling conflicts, witness unavailability, and the additional time to prepare the
9 witnesses or gather information responsive to discovery and to be addressed in the
10 witnesses' depositions, Docket No. 16;

11 **WHEREAS**, the Court entered an Order Modifying Pretrial Scheduling Order
12 on November 17, 2023, requiring the parties to complete all discovery, including
13 expert depositions, by March 19, 2024, Docket No. 18;

14 **WHEREAS**, on November 17, 2023, the Order Modifying Pretrial Scheduling
15 Order ordered that all dispositive motions shall be filed by April 26, 2024 and hearing
16 on any such motion would be on July 9, 2024;

17 **WHEREAS**, on November 17, 2023, the Order Modifying Pretrial Scheduling
18 Order set a Final Pretrial Conference on September 17, 2024 at 10:00 am and a Jury
19 Trial to begin on October 28, 2024;

20 **WHEREAS**, on December 18, 2023, Defendant sent an email to Plaintiffs
21 informing that Defendant would need to reschedule Plaintiffs' expert witnesses'
22 depositions and provided Defendant's availability in February 2024;

23 **WHEREAS**, on January 4, 2024, after receiving no response from Plaintiffs,
24 Defendant sent a first amended notice of taking Plaintiffs' expert witnesses'
25 depositions unilaterally setting the depositions for February 20, 2024 and February
26 22, 2024;

27 **WHEREAS**, on February 15, 2024 and February 19, 2024, Plaintiffs informed
28 that the depositions of Plaintiffs' expert witnesses would not be going forward on the

1 noticed dates as Plaintiffs' counsel was engaged in trial in Monterey County,
2 California;

3 **WHEREAS**, after exchanging further emails with Plaintiffs and
4 telephonically discussing availability on February 22, 2024, Defendant informed that
5 it would be willing to take the depositions of both experts on the same date and sent
6 a follow-up email on February 27, 2024 requesting Plaintiffs' upcoming availability
7 to take Plaintiffs' expert witnesses' depositions;

8 **WHEREAS**, on February 29, 2024, after receiving no response, Defendant re-
9 noticed the depositions of Plaintiffs' expert witnesses for a third time to take place
10 on March 11, 2024;

11 **WHEREAS**, on March 8, 2024, in response to Defendant's inquiry seeking
12 confirmation that the expert depositions would be taking place, Plaintiffs informed
13 that the expert depositions would not be going forward again as Plaintiffs' counsel
14 was still engaged in trial in Monterey County, California;

15 **WHEREAS**, Shriners will be prejudiced if it is required to file its Dispositive
16 Motion by April 26, 2024 without completing Plaintiffs' expert witnesses'
17 depositions;

18 **WHEREAS**, no party will be prejudiced by granting the continuances
19 requested as it will allow necessary discovery and law and motion to be conducted,
20 avoid wasting judicial resources and will preserve judicial time and economy;

21 **WHEREAS**, good cause exists for granting this Stipulation and requested
22 continuance of pre-trial dates and deadlines as, (1) Shriners engaged in extensive
23 meet and confer efforts to notice Plaintiffs' expert depositions on agreeable dates in
24 advance of the original discovery cutoff, including noticing those depositions three
25 separate times, and then in advance of the continued discovery cutoff, however
26 Plaintiffs' counsel informed defense counsel that his office is no longer available and
27 as such will not be able to proceed with Plaintiffs' expert witnesses' depositions; (2)
28 Shriners will be severely prejudiced if it is required to file its Dispositive Motion

before taking Plaintiffs' expert witnesses' depositions as it anticipates that Plaintiffs will rely on their expert witnesses' deposition testimony or obtain declarations from their expert witnesses to oppose the Dispositive Motion; and (3) no party will be prejudiced by granting the continuances requested as it will allow necessary discovery and law and motion to be conducted, avoid wasting judicial resources and will preserve judicial time and economy;

NOW THEREFORE, the Parties agree and stipulate, subject to the Court's approval, that the Court continue the following dates to enable the Parties to complete outstanding discovery that is outlined above, file appropriate Motion(s) and dispositive motions:

Current Date	Proposed New Date	Event
3/19/24	6/25/24	Discovery Completion Date (for discovery timely served by or before 10/20/23)
4/26/24	8/26/24	Dispositive Motion Filing Deadline
7/9/24	11/12/24	Dispositive Motion Hearing
9/17/24	1/21/25	Final Pretrial Conference
10/28/24	4/28/25	Trial (10-15 day estimate)

Dated: March 19, 2024

Respectfully submitted,

WATKINS & LETOFSKY, LLP

By: /s/ Daniel R. Watkins

DANIEL R. WATKINS

CHARLES M. HEINTZ

Attorneys for Plaintiffs,

MARIYA MAKSIMOV, BETSY BROWN,

CLAUDIA LING, VENIAMIN

MAKSIMOV, RACHAEL PIERSON,

FABIAN STRIZU, CHAKEYA THOMAS

Dated: March 19, 2024

Respectfully submitted,
FORD & HARRISON LLP

By: /s/ Hilda Aguilar
ALLISON V. SAUNDERS
TRACEY JAENSCH
HILDA AGUILAR
Attorneys for Defendant,
SHRINERS HOSPITALS FOR CHILDREN

ORDER

ORDER MODIFYING PRETRIAL SCHEDULING ORDER

Based on the stipulation of the parties and good cause appearing, the Pretrial Scheduling Order, is **MODIFIED** as follows:

Event	Date
Discovery cut-off	06/28/2024
Dispositive Motions Deadline	08/26/2024
Dispositive Motion Hearing	11/19/2024, at 01:00 p.m. ¹
Final pretrial conference	01/24/2025, at 10:00 a.m.
Trial (10-15 days)	04/28/2025, at 09:00 a.m.

All other instructions contained in the June 07, 2022 Pretrial Scheduling Order (ECF No. 9) shall remain in effect.

IT IS SO ORDERED.

Dated: March 19, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

¹ Calendars are subject to last minute changes. Contact the Courtroom Deputy for available dates.